

2005 Bills Adopted by the General Assembly with Science or Technology Content

HB 578 (Hamilton), 2005 Va. Acts of Assembly Ch. 51

Use of electronic communication for certain filings; parties and witnesses. Provides that petitions and orders for emergency custody, temporary detention, and involuntary commitment of minors may be filed, issued, served, or executed by electronic means, with or without the use of two-way electronic video and audio communication. The bill also allows petitions and orders for emergency custody of adults, temporary detention of adults, emergency custody and temporary detention of adults in judicial authorization of treatment proceedings, and emergency custody of conditionally released persons to be filed, issued, served, or executed by electronic means, with or without the use of two-way electronic video and audio communication. The bill provides for party and witness testimony through two-way electronic video and audio communication in such proceedings. Finally, the bill allows a witness to testify using a telephonic communication system when his testimony would be helpful to the conduct of such proceedings and he is not able to be physically present.

HB 1691 (Purkey), 2005 Va. Acts of Assembly Ch. 611

Virginia Research and Technology Advisory Commission; membership. Increases from 29 to 31 the membership of the Virginia Research and Technology Advisory Commission by adding the Vice-Provost of Research at the Eastern Virginia Medical School or his designee and one citizen member representing research- and technology-intensive industries appointed by the Governor. The bill also contains technical amendments.

HB 1706 (Kilgore), 2005 Va. Acts of Assembly Ch. 373

Fees collected by clerks of circuit courts; authorization to use funds for office expenses. Provides that court clerks shall use the fees paid for copying to recoup the costs of providing the copies, with the balance of the funds paid to the Commonwealth. Funds sufficient to recoup the cost of making copies shall be deposited with the locality, which shall in turn appropriate funds to support copying costs. Such costs shall include lease and maintenance agreements, but shall not include salaries or related benefits.

HB 1741 (Cosgrove), 2005 Va. Acts of Assembly Ch. 375

Photographs of undergarments, etc., without consent; penalty. Provides that the knowing and intentional creation of a videotape, photograph, film or videographic or still image record created by placing the lens or image-gathering component of a recording device directly beneath or between a person's legs for the purpose of capturing an image of the person's undergarments or intimate parts, when the undergarments or intimate parts would not otherwise be visible to the general public, is punishable as a Class 1 misdemeanor. The offense is punishable as a Class 6 felony if the nonconsenting person is under the age of 18.

HB 1791 (Cox), 2005 Va. Acts of Assembly Ch. 787

Virginia Public Records Act. Makes several clarifying and technical changes to the Virginia Public Records Act. The bill removes obsolete definitions, clarifies existing definitions of "archival records" and "public records," and creates a definition for "private record," a term that is used in the Act but not currently defined. The bill removes references to the preservation of medical records, an area of law that has been superseded by other state and federal medical records laws, and programs for microfilming records by The Library of Virginia, a service not provided by The Library of Virginia. The bill also clarifies that a public record may not be destroyed or discarded unless certain requirements are met. This change codifies current practice. This bill is a recommendation of the HJR 6 study (2004).

HB 1801 (Watts), 2005 Va. Acts of Assembly Ch. 788

Virginia Biotechnology Research Partnership Authority; Biotechnology Macro Partnership. Creates a panel to make decisions about the Commonwealth's biotechnology investments, upon implementation of any statewide program, referred to as the Virginia Biotechnology Macro. Certain provisions of the bill will expire on July 1, 2010.

HB 1860 (Shannon), 2005 Va. Acts of Assembly Ch. 157

Unauthorized possession of two or more signed credit cards or credit card numbers. Clarifies that possession of two unauthorized credit cards is credit card theft and not forgery.

HB 1945 (Saxman), 2005 Va. Acts of Assembly Ch. 618

Public-Private Education Facilities and Infrastructure Act of 2002; definition of qualifying project. Expands the definition of "qualifying project" to include any improvements necessary or desirable to any unimproved state or locally owned real estate.

HB 1948 (Saxman), 2005 Va. Acts of Assembly Ch. 619

Administrative Process Act; impact on small businesses. Requires the Department of Planning and Budget, in addition to the economic impact analysis it already prepares concerning a proposed regulation, to differentiate between small businesses and other businesses identified;

estimate the projected reporting, recordkeeping and other administrative costs required for compliance by such small businesses with the regulation; and include a description of any alternative method for achieving the purpose of the regulation while minimizing adverse impact on small businesses. The bill defines "small business" as a business entity, including its affiliates, that (i) is independently owned and operated and (ii) employs fewer than 500 full-time employees or has gross annual sales of less than \$6 million. The bill also requires agencies to periodically review their regulations to minimize the economic impact on small businesses.

HB 1983 (Howell, A.T.), 2005 Va. Acts of Assembly Ch. 913

Video displays in motor vehicles. Prohibits drivers of motor vehicles from viewing any motion picture or video display while driving.

HB 2032 (Miles), 2005 Va. Acts of Assembly Ch. 165

Powers and duties of Department of Emergency Management; coordination of emergency services intelligence and response; Freedom of Information Act. Provides that the Department of Emergency Management shall be responsible for the coordination, receipt, evaluation, and dissemination of emergency services intelligence and shall coordinate intelligence activities with the Department of State Police. The bill also creates a records exemption under the Virginia Freedom of Information Act for contact information, computer information, and operating schedule information submitted by an individual or agency for participation in the Statewide Alert Network where the release of such information would compromise the security of the Statewide Alert Network or individuals participating in the Statewide Alert Network.

HB 2033 (Miles), 2005 Va. Acts of Assembly Ch. 392

Semiconductor manufacturing performance grants. Updates the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program to make a qualified manufacturer eligible for total grant payments of up to \$27 million if certain investment and job creation criteria are met. The measure also updates the Semiconductor Memory or Logic Wafer Manufacturing Performance Grant Program II to make a qualified manufacturer eligible for grant payments of (i) \$15 million if \$1.1 billion of new capital investment is made by January 1, 2007, that results in the creation of a new manufacturing module in Henrico County; (ii) \$35 million if an additional 1,000 new full-time jobs are created by January 1, 2008; and (iii) \$5 million if 200 new full-time jobs are created by January 1, 2009.

HB 2051 (Nixon), 2005 Va. Acts of Assembly Ch. 394

Virginia Public Procurement Act; methods of procurement. Requires approval of the Chief Information Officer of the Commonwealth for the purchase of information technology and telecommunications goods and services from a public auction or off of another public body's contract. The bill also provides that its provisions do not in any way amend or affect (i) the Commonwealth's institutions of higher education as such institutions are delegated the authority to purchase information technology facilities and services pursuant to any appropriation act

adopted by the General Assembly or (ii) delegations of telecommunications procurement granted by the Virginia Information Technologies Agency.

HB 2052 (Nixon), 2005 Va. Acts of Assembly Ch. 798

Clerks of court; posting certain information on the Internet; prohibitions. Extends the sunset clause prohibiting clerks from posting certain information on a court-controlled website from July 1, 2005, to July 1, 2007. Circuit court clerks are immunized against suit arising from any acts or omissions related to providing remote access on the Internet so long as the clerk was not grossly negligent and did not engage in willful misconduct.

HB 2054 (Nixon), 2005 Va. Acts of Assembly Ch. 577

Alternative Dispute Resolution; pilot project. Allows the Virginia Information Technologies Agency (VITA) to promulgate administrative rules concerning the use of alternative dispute resolution in lieu of the provisions set forth in the Virginia Public Procurement Act concerning procurement protests. The Chief Information Officer of the Commonwealth must report to the General Assembly on the implementation of the rules. The pilot project will expire on July 1, 2008.

HB 2055 (Nixon), 2005 Va. Acts of Assembly Ch. 296

Virginia Telephone Privacy Protection Act; telephone solicitation. Provides that telephone solicitors using a version of the National Do Not Call Registry obtained from their administrator no more than 31 days prior to the date of a telephone solicitation call constitutes a reasonable practice and procedure to effectively prevent telephone solicitation calls that would violate the Virginia Telephone Privacy Protection Act. The establishment and implementation of reasonable practices and procedures to effectively prevent such telephone solicitation calls is an affirmative defense to an action claiming a violation of the Act. Currently, such defense is available to telephone solicitors that use a version of the National Do Not Call Registry obtained within three months preceding the date of the call. Reducing the period from three months to 31 days makes the Act consistent with federal regulations.

HB 2059 (Byron), 2005 Va. Acts of Assembly Ch. 166

Unlawful use of payment card scanning devices and re-encoders; penalty. Punishes as a Class 1 misdemeanor the malicious and unauthorized use of a scanner or re-encoder to unlawfully reproduce the information in the magnetic stripe of a payment card and as a Class 6 felony if the person sells or distributes such information to another or uses the information in the commission of another crime.

HB 2151 (Amundson), 2005 Va. Acts of Assembly Ch. 894

Virginia Public Procurement Act; preference for Virginia firms. Provides that whenever the lowest responsive and responsible bidder is a resident of any other state and such state under its laws allows a resident contractor of that state a preference, a like preference shall be allowed to

the lowest responsible bidder who is a resident of Virginia. The bill provides if the lowest bidder is a resident of another state with an absolute preference, that bid shall not be considered. Currently, a preference for Virginia resident may be given. The bill further requires the Department of General Services to post and maintain certain information on the agency's website regarding preferences provided by other states.

HB 2158 (Nutter), 2005 Va. Acts of Assembly Ch. 299

Wireless service authority act. Allows multiple localities to create a wireless service authority.

HB 2215 (Albo), 2005 Va. Acts of Assembly Ch. 812

Computer crimes; penalties. Modernizes the Virginia Computer Crimes Act by updating definitions to comport with changing technology, removing superfluous language and relocating language. The bill adds unauthorized installation of software on the computer of another, disruption of another computer's ability to share or transfer information and maliciously obtaining computer information without authority as additional crimes of computer trespass, a Class 1 misdemeanor. The bill also reduces the felony (Class 6) threshold from \$2,500 to \$1,000 for property damage resulting from computer trespass.

HB 2216 (Albo), 2005 Va. Acts of Assembly Ch. 881

Department of Forensic Science, the Forensic Science Board, and the Scientific Advisory Board created. Creates the Department of Forensic Science as a department within the executive branch of state government and assigns its powers and duties. The bill also creates the Forensic Science Board as a policy board, and the Scientific Advisory Board as an advisory board and likewise assigns their respective powers and duties. The bill also abolishes the Division of Forensic Science within the Department of Criminal Justice Services. The bill contains numerous technical amendments to accomplish this.

HB 2218 (Albo), 2005 Va. Acts of Assembly Ch. 303

Gift certificates; disclosures; penalty. Requires a gift certificate issued by a merchant in Virginia to have permanently affixed to it either an expiration date for the certificate or electronic card or a telephone number or Internet address at which information about the certificate's expiration and any diminution in value over time may be obtained. A violation of the disclosure requirement is a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to SB 1241.

HB 2273 (Oder), 2005 Va. Acts of Assembly Ch. 172

Remote hunting prohibited; penalty. Prohibits anyone from engaging in computer-assisted remote hunting, or provide or operate a facility that allows a person to engage in such "hunting." Violations are Class 1 misdemeanors and will result in revocation of any hunting license for between three and five years. This bill is identical to SB 1083.

HB 2404 (Philips), 2005 Va. Acts of Assembly Ch. 411

Virginia Freedom of Information Act; exemptions; local wireless service

authorities. Excludes from the mandatory disclosure requirements of the Virginia Freedom of Information Act (FOIA) confidential proprietary records and trade secrets developed by or for a local authority created in accordance with the Virginia Wireless Service Authorities Act (§ 15.2-5431.1 et seq.) that provides qualifying communications services as authorized by Article 5.1 (§ 56-484.7:1 et seq.) of Chapter 15 of Title 56 where disclosure of such information would be harmful to the competitive position of the authority. The bill also grants an open meeting exemption for discussions of such records by a local wireless service authority. The bill contains technical amendments.

HB 2470 (May), 2005 Va. Acts of Assembly Ch. 417

Uniform Electronic Transactions Act; local constitutional officers. Includes locally elected constitutional officers in the definition of public body for purposes of the Uniform Electronic Transactions Act.

HB 2471 (May), 2005 Va. Acts of Assembly Ch. 827

Virginia Computer Crimes Act; penalties. Updates the Virginia Computer Crimes Act to include recommendations made by the 2004 joint study on Computer Crimes by the Joint Commission on Technology and Science and Virginia State Crime Commission. The bill modernizes definitions of "computer", "using a computer" and "without authority" to comport with changing technology. The bill revises provisions regarding computer trespass, a Class 1 misdemeanor, unless the damage to the property of another is \$1,000 (\$2,500 under current law) or more, in which case it is a Class 6 felony. Provisions regarding computer invasion of privacy are rewritten to include unauthorized gathering of identifying information and Class 6 penalties added for persons with previous convictions, selling or distributing the information to another or using the information in the commission of another crime. The bill adds as a new Class 6 felony using a computer to fraudulently gather identifying information of another (phishing), unless the information is sold or distributed to another or the information is used in the commission of another crime, in which case it is a Class 5 felony. Statute of limitation and venue provisions are relocated in the Code. This bill is identical to SB 1163.

HB 2482 (May), 2005 Va. Acts of Assembly Ch. 640

Personal Information Privacy Act; restricting the use of social security numbers. Prohibits any person from (i) intentionally communicating an individual's social security number to the general public; (ii) printing an individual's social security number on any card required for the individual to access or receive products or services; (iii) requiring an individual to use his social security number to access an Internet website, unless an authentication device is also required; or (iv) mailing a package with the social security number visible from the outside. The bill exempts public bodies and public records. A violation is a prohibited practice under the Virginia Consumer Protection Act. The measure also requires the state employee's health insurance plan to use identification numbers that are not the employee's social security number.

HB 2508 (Welch), 2005 Va. Acts of Assembly Ch. 589

Electronic summons may be used for reportable motor vehicle law violations; citations. Provides that an electronic summons may be used in lieu of a paper summons for reportable motor vehicle violations.

HB 2519 (O'Bannon), 2005 Va. Acts of Assembly Ch. 643

Virginia Immunization Information System (VIIS). Requires the Board of Health, to the extent funds are appropriated by the General Assembly or otherwise made available, to establish the Virginia Immunization Information System, a statewide immunization registry that consolidates patient immunization histories from birth to death into a complete, accurate, and definitive record that may be made available to participating health care providers throughout Virginia. The Board must promulgate regulations addressing voluntary participation, a secure system for data entry or delivery, incorporation of the data already reported on children's immunizations, the nature of the data to be reported, data-sharing agreements with other state and regional immunization registries, use of vital statistic data, requests for records in compliance with existing requirements, release of aggregate data without personal identifiers, and the use of the data in an epidemic or outbreak of a vaccine-preventable disease.

The bill also establishes the criteria for disclosure of protected health information to VIIS, i.e., ensuring the integrity of the health care system and prevention of disease. Immunity is provided to participants, the Board and Commissioner of Health, and employees of the Department of Health. Current responsibilities for record maintenance and obtaining immunization of children are retained as well as existing exemptions on religious or health grounds.

HB 2586 (Cosgrove), 2005 Va. Acts of Assembly Ch. 322

Joint Commission on Technology and Science; clarifications for collegial bodies. Conforms the Joint Commission on Technology and Science's requirements to meet legislative guidelines adopted by the Joint Rules Committee. The bill also makes procedural amendments such as reducing the quorum from six to five members, increasing the term of the chair and vice-chair to a two-year term coincident with the term of office for House members, and changing references from Commission to JCOTS.

HB 2612 (Hugo), 2005 Va. Acts of Assembly Ch. 421

State employees; telecommuting and alternative work schedules. Requires the Secretary of Administration, in developing a telecommuting policy for state employees, to include identification of broad categories of positions determined to be ineligible to participate in telecommuting and the justification for that determination. The bill also requires each agency head in his annual report to the Secretary of Administration to include specific budget requests for information technology, software, or other equipment needed to increase opportunities for telecommuting and participation in alternate work locations.

HB 2631 (Bell), 2005 Va. Acts of Assembly Ch. 837

Computer crimes; penalties. Revises provisions in the Virginia Computer Crimes Act relating to computer fraud and redefines computer invasion of privacy by including the unauthorized gathering of identifying information and punishes subsequent offenses and transferring the information to another or use of the information in the commission of another crime as a Class 6 felony. Currently, the offense is punishable as a Class 1 misdemeanor. Additionally, the fraudulent gathering of such information is punished as a Class 6 felony, a new crime, and transferring the information to another or use of the information in the commission of another crime is a Class 5 felony.

HB 2844 (Saxman), 2005 Va. Acts of Assembly Ch. 566

Competitive Government Act; reporting dates. Changes from January 1, 2006, to October 1, 2005, the date by which the report of the commercial activities being performed by state employees at state agencies and institutions must be completed by the Secretary of Administration. The bill also changes from January 1 to October 1 of each biennium the date by which subsequent reports of examination of commercial activities not already examined must be completed.

HB 2860 (Petersen), 2005 Va. Acts of Assembly Ch. 439

Innovative Technology Authority. Repeals the requirement for the Innovative Technology Authority to establish a technical advisory committee. Other entities now fulfill that role.

HB 2869 (Weatherholtz), 2005 Va. Acts of Assembly Ch. 934

Location and jurisdiction of wiretaps. Redefines jurisdiction for the purposes of electronic or wire interceptions to provide that such communications shall be deemed to be intercepted in the jurisdiction where the order is entered, regardless of the physical location or the method by which the communication is captured or routed to the monitoring location. The bill also provides that an application for an ex parte order authorizing a pen register or trap and trace device may be filed in the jurisdiction where the person or persons who subscribe to the communication system live, work, or maintain an address and that such installation shall be deemed to occur in the jurisdiction where the order is entered, regardless of the physical location or the method by which the information is captured.

HB 2880 (Nixon), 2005 Va. Acts of Assembly Ch. 126

Communications tax reform. Directs the APA to review and collect information in 2005 regarding certain local communications taxes and report to the chairmen of the House and Senate Finance Committees and the Department of Taxation no later than December 1, 2005.

HJ 588 (Marshall, R.G.)

Study; stem cell research. Establishes a joint subcommittee to study medical, ethical, and scientific issues relating to stem cell research conducted in the Commonwealth. The joint subcommittee shall examine the medical, ethical, and scientific policy implications of stem cell research, and the efficacy of research using both adult and embryonic stem cells.

HJ 598 (Parrish)

Study; biodiesel fuel use and production; report. Requests the Secretary of Agriculture and Forestry to study the use and production of biodiesel fuel in Virginia.

HJ 647 (Hamilton)

Commending the Virginia Electronic Commerce Technology on its 10th anniversary.

HJ 689 (Nixon)

Study; cost-effective toll collection. Directs the Joint Commission on Technology and Science to study technologies available for cost-effective toll collection.

HJ 711 (McDonnell)

Resolution; Hydrogen energy. Expresses the General Assembly's support for the Virginia Hydrogen Energy Plan.

HJ 788 (Bryant)

Commending the Central Virginia Governor's School for Science and Technology.

SB 752 (Wampler), 2005 Va. Acts of Assembly Ch. 17

Electronic meetings of the Board of Visitors of the University of Virginia. Extends from 2005 to 2007 the sunset for the exception to the Freedom of Information Act requirements for holding telephonic or video broadcast meetings that has been accorded to the Board of Visitors of the University of Virginia. The bill requires University of Virginia to report to the Virginia Freedom of Information Advisory Council on these meetings, in addition to the Secretary of Education and the General Assembly.

SB 776 (Potts), 2005 Va. Acts of Assembly Ch. 240

Use of the name, logo or symbol of a financial institution; penalty. Prohibits any person from using the name, logo or symbol of a bank, trust company, savings institution, or credit union, or a deceptively similar name, logo or symbol, in any marketing material in a manner that would

cause a reasonable person to believe that the material is from the financial institution. A violation is punishable as a Class 1 misdemeanor. In addition, a financial institution whose name, logo or symbol is used in such manner is entitled to injunctive relief, the destruction of the material, and a private action for damages, disgorgement of profit, and attorneys' fees, under the Virginia Trademark and Service Mark Act.

SB 815 (Williams), 2005 Va. Acts of Assembly Ch. 862

"Photo-toll" toll collection programs. Authorizes "photo toll" facilities to record images of all vehicles whose operators choose to use the facilities and bill the registered owners of vehicles as to which no toll is paid, prior to pursuing other remedies. This bill also allows operators to charge an administrative fee of up to \$25 when collecting unpaid tolls.

SB 902 (Norment), 2005 Va. Acts of Assembly Ch. 738

Technology Trust Fund Fee. Prohibits, beginning July 1, 2006, transfers from the Technology Trust Fund Fee for purposes not specifically enumerated in the law, including transfers to the general fund.

SB 912 (Norment), 2005 Va. Acts of Assembly Ch. 250

Virginia Consumer Protection Act; fees and costs upon settlement. Provides that if the parties wish to settle a case brought under the Virginia Consumer Protection Act, the court may determine the amount of any award of attorneys' fees or court costs to the plaintiff.

SB 934 (Stosch), 2005 Va. Acts of Assembly Ch. 494

Auditor of Public Accounts; maintenance of database containing historical information. Requires the Auditor of Public Accounts to establish and maintain each year on its Internet web site a searchable database that contains certain state expenditure, revenue, and demographic information for the 10 most recently ended fiscal years of the Commonwealth. The online database shall be made available to citizens of the Commonwealth to allow public access to historical revenue collections and appropriations with related demographic information. The bill also authorizes the Auditor of Public Accounts to perform an audit of the monies furnished to the Washington Metropolitan Transit Authority by the Commonwealth.

SB 959 (Wampler), 2005 Va. Acts of Assembly Ch. 258

Telecommunication and cable television service by localities; release of information. Exempts from the mandatory disclosure requirements of the Freedom of Information Act any public record of a local government that contains confidential proprietary information or trade secrets pertaining to its provision of telecommunication services and cable television service. Public bodies may discuss such records in closed meetings.

SB 963 (O'Brien), 2005 Va. Acts of Assembly Ch. 221

Statewide communications interoperability. Requires the Governor to ensure that the annual review and update of the statewide interoperability strategic plan is accomplished and implemented. The bill also requires all state agencies and localities to achieve consistency with and support the goals of the plan by July 1, 2015, in order to remain eligible to receive state or federal funding for communication programs.

SB 992 (Devolites Davis), 2005 Va. Acts of Assembly Ch. 744

Real Property Electronic Recording Act. Establishes the Real Property Recording Act, which authorizes circuit court clerks to accept and record land records electronically. All provisions associated with the Act must be reenacted by the General Assembly except for a requirement that the Virginia Information Technology Agency develop standards for electronic recording of land records. A new article in Title 17 restores authority, which had expired July 1, 2004, for court clerks to electronically file other court documents, including instruments and judgments.

SB 1001 (Devolites Davis), 2005 Va. Acts of Assembly Ch. 746

Computer crimes; penalties. Revises provisions in the Virginia Computer Crimes Act relating to theft of computer services, personal trespass by computer, embezzlement, larceny or receiving stolen goods by computer, and civil damages. The bill also relocates statute of limitation and venue provisions in the Code.

SB 1002 (Devolites Davis), 2005 Va. Acts of Assembly Ch. 747

Computer crimes; penalties. Revises provisions in the Virginia Computer Crimes Act relating to computer fraud and redefines computer invasion of privacy by including the unauthorized gathering of identifying information. The bill punishes subsequent offenses and transferring the information to another or using the information in the commission of another crime as a Class 6 felony. Currently, the offense is punishable as a Class 1 misdemeanor. Additionally, the fraudulent gathering of such information is punished as a Class 6 felony, a new crime, and transferring the information to another or use of the information in the commission of another crime is a Class 5 felony.

SB 1027 (Newman), 2005 Va. Acts of Assembly Ch. 939

Virginia Information Technologies Agency; Virginia Information Providers Network. Dissolves the Virginia Information Providers Network as a separate division of the Virginia Information Technologies Agency (VITA) and gives its authority directly to VITA.

SB 1083 (Ticer), 2005 Va. Acts of Assembly Ch. 226

Remote hunting prohibited; penalty. Prohibits anyone from engaging in computer-assisted remote hunting, or provide or operate a facility that allows a person to engage in such "hunting."

Violations are Class 1 misdemeanors and will result in revocation of any hunting license for between three and five years. This bill is identical to HB 2273.

SB 1132 (Howell), 2005 Va. Acts of Assembly Ch. 684

Virginia Immunization Information System (VIIS). Requires the Board of Health, to the extent funds are appropriated by the General Assembly or otherwise made available, to establish the Virginia Immunization Information System, a statewide immunization registry that consolidates patient immunization histories from birth to death into a complete, accurate, and definitive record that may be made available to participating health care providers throughout Virginia. The Board must promulgate regulations addressing voluntary participation, a secure system for data entry or delivery, incorporation of the data already reported on children's immunizations, the nature of the data to be reported, data-sharing agreements with other state and regional immunization registries, use of vital statistic data, requests for records in compliance with existing requirements, release of aggregate data without personal identifiers, and the use of the data in an epidemic or outbreak of a vaccine-preventable disease.

The bill also establishes the criteria for disclosure of protected health information to VIIS, i.e., ensuring the integrity of the health care system and prevention of disease. Immunity is provided to participants, the Board and Commissioner of Health, and employees of the Department of Health. Current responsibilities for record maintenance and obtaining immunization of children are retained as well as existing exemptions on religious or health grounds. This bill is identical to HB 2519.

SB 1147 (Obenshain), 2005 Va. Acts of Assembly Ch. 760

Computer crimes; phishing; penalty. Makes it a Class 6 felony to fraudulently obtain, record, or access from a computer the following identifying information of another: (i) social security number; (ii) driver's license number; (iii) bank account numbers; (iv) credit or debit card numbers; (v) personal identification numbers (PIN); (vi) electronic identification codes; (vii) automated or electronic signatures; (viii) biometric data; (ix) fingerprints; (x) passwords; or (xi) any other numbers or information that can be used to access a person's financial resources, obtain identification, act as identification, or obtain goods or services. Any person who sells or distributes such information or uses it to commit another crime is guilty of a Class 5 felony.

SB 1148 (Stolle), 2005 Va. Acts of Assembly Ch. 687

Virginia Research and Technology Advisory Commission. Increases the membership of the Virginia Research and Technology Advisory Commission from 29 to 31 by adding the Eastern Virginia Medical School as an academic research institution member and by adding an additional member representing research- and technology-intensive industries appointed by the Governor. The bill also includes technical amendments to reference the correct titles and names of certain ex officio members and to alphabetize the research institutions. This bill is similar to HB 1691.

SB 1159 (Stolle), 2005 Va. Acts of Assembly Ch. 942

Wireless E-911 Services Board. Clarifies that the Wireless E-911 Services Board's obligation to make payments to PSAP operators and CMRS providers is subject to the extent of appropriated funds. The bill also removes the exemptions to E-911 deployment, excludes governments from the surcharge collection, and establishes July 1 as the deadline for late funding requests. In addition, the bill clarifies the appeals process and expands the Board's responsibilities to include development of a single, statewide electronic addressing database.

SB 1163 (Stolle), 2005 Va. Acts of Assembly Ch. 761

Computer crimes; penalties. Modernizes the Virginia Computer Crimes Act by revising definitions of "computer", "using a computer" and "without authority." The bill revises provisions relating to computer trespass and reduces thresholds for damages. Gathering identifying information (phishing) is punished as a felony. Statute of limitation and venue provisions are relocated in the Code. This bill is identical to HB 2471.

SB 1192 (Devolites Davis), 2005 Va. Acts of Assembly Ch. 763

Posting and availability of certain information on the Internet. Clarifies that circuit court clerks may provide secure remote access to any document that is filed among the land records in the circuit court, and also allows the clerks to provide secure remote access by any person and his counsel to documents filed in matters to which such person is a party. "Land records" are defined as those records authorized to be recorded that affect title to real property. Nothing in the revised statute prohibits the Supreme Court or other courts from providing online access to a case management system that may include abstracts of case filings and proceedings in the courts of the Commonwealth. The sunset clause applicable to this section is extended from July 1, 2005, to July 1, 2007.

SB 1194 (Potts), 2005 Va. Acts of Assembly Ch. 696

Christopher Reeve Stem Cell Research Fund. Establishes a special nonreverting, revolving and permanent fund for the support of stem cell research in honor of Christopher Reeve. The Fund will be used to support medical and biomedical stem cell research conducted in Virginia institutions of higher education relating to the causes and cures of disease, including, but not limited to, paralysis caused by spinal cord injury, diabetes, cancer, heart disease, and neurological disorders, such as Lou Gehrig's disease. No moneys from the Fund may be provided to any entity that conducts human stem cell research from stem cells obtained from human embryos, or for conducting such research; however, research conducted using stem cells other than embryonic stem cells may be funded. The Fund will consist of appropriations, gifts, grants, and donations from public or private sources, will be administered by the Commonwealth Health Research Board (an existing board with appropriate expertise), will not require matching funds from the institutions, and may be used to support stem cell research that is not eligible for federal research funds through the National Institutes of Health.

SB 1196 (Newman), 2005 Va. Acts of Assembly Ch. 352

Freedom of Information Act; electronic communication meetings. Reduces the notice required for electronic communication meetings from 30 days to seven working days. The bill also (i) eliminates the 25 percent limitation on the number of electronic meetings held annually; (ii) eliminates the requirement that an audio or audio/visual recording be made of the electronic communication meeting, but retains the requirement that minutes be taken pursuant to § 2.2-3707; (iii) allows for the conduct of closed meetings during electronic meetings; (iv) changes the annual reporting requirement from the Virginia Information Technology Agency to the Virginia Freedom of Information Advisory Council and the Joint Commission on Technology and Science; and (v) expands the type of information required to be reported. The bill specifies that regular, special, or reconvened sessions of the General Assembly held pursuant Article IV, Section 6 of the Constitution of Virginia are not meetings for purposes of the electronic communication meeting provisions. The bill also defines "electronic communication means." The bill is a recommendation of the VA Freedom of Information Advisory Council and the Joint Commission on Technology and Science. This bill incorporates SB 711.

SB 1241 (Devolites Davis), 2005 Va. Acts of Assembly Ch. 269

Gift certificates; disclosures; penalty. Requires a gift certificate issued by a merchant in Virginia to have permanently affixed to it either an expiration date for the certificate or electronic card or a telephone number or Internet address at which information about the certificate's expiration and any diminution in value over time may be obtained. A violation of the disclosure requirement is a prohibited practice under the Virginia Consumer Protection Act. This bill is identical to HB 2218.

SJ 406 (Rerras)

Hydrogen energy. Expresses the General Assembly's support for the Virginia Hydrogen Energy Plan.

SJ 412 (Martin)

Confirming Governor's appointments; certain Secretaries, agency heads, and personnel. Confirms interim appointments made by Governor Warner of the Secretaries of Agriculture and Forestry and of Technology, certain agency heads, and personnel.

SJ 414 (Martin)

Confirming Governor's appointments; commerce and trade. Confirms interim appointments made by Governor Warner related to commerce and trade.

SJ 420 (Martin)

Confirming Governor's appointments; technology. Confirms interim appointments made by Governor Warner related to technology.

SJ 422 (Martin)

Confirming Governor's appointments; miscellaneous positions. Confirms interim appointments made by Governor Warner to certain compact agencies, designated agencies, independent agencies, and miscellaneous positions.